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IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1943.

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No. **720**  
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**JAMES O. HARTMAN**, *Petitioner*,

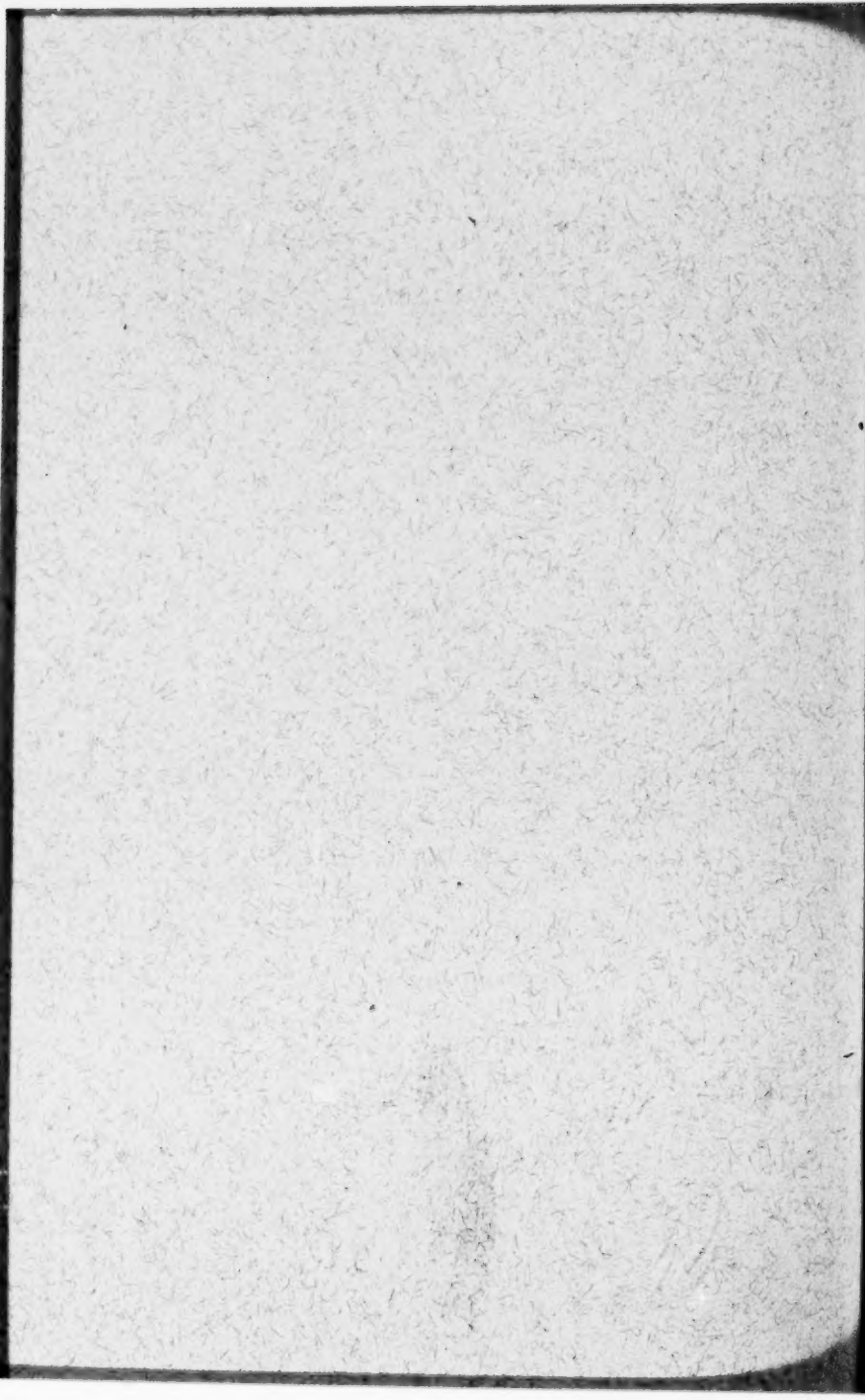
v.

**WILLIE ROSS**, *Respondent*.

\_\_\_\_\_  
**PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
DISTRICT OF COLUMBIA.**

\_\_\_\_\_  
**FRANK J. HOGAN,**  
**EDMUND L. JONES,**  
*Counsel for Petitioner.*

**HOWARD BOYD,**  
*Of Counsel.*



## SUBJECT INDEX.

|  | Page |
|--|------|
| Petition for Writ of Certiorari .....  | 1    |
| Summary Statement of Matter Involved .....   | 1    |
| Question Presented .....   | 2    |
| The Regulation Involved .....  | 2    |
| Reasons Relied on for Allowance of Writ .....  | 3    |
| Prayer .....   | 3    |
| Brief in Support of Petition for Writ of Certiorari....  | 5    |
| Jurisdiction .....   | 5    |
| Question Presented .....   | 5    |
| Specification of Errors .....  | 6    |
| Argument .....   | 6    |
| Point (1) The court established an erroneous doctrine of legal causation .....                         | 6    |
| Point (2) The court ignored every prior decision on the same question .....                            | 9    |
| Point (3) At most the question of proximate cause is a factual one for determination by the jury ..... | 9    |
| Conclusion .....   | 9    |

## TABLE OF CASES.

|   |   |
|---|---|
| Arnold v. Owens, 78 Fed. (2d), 495.....                               | 8 |
| Castay v. Katz & Besthoff, Ltd., 148 So. 76 (La. 1933) ..             | 7 |
| Horan v. Watertown, 217 Mass., 185, 104 N. E. 464....                 | 7 |
| Malloy v. Newman, 310 Mass., 269, 37 N. E. (2d) 1001..                | 7 |
| Slater v. T. C. Bawer Co., 261 Mass., 424, 158 N. E. 778 (1927) ..... | 7 |
| Southern Ry. Co. v. Walters, 284 U. S. 190.....                       | 7 |
| Squires v. Brooks, 44 App. D. C. 320 .....                            | 7 |

|   | Page |
|---|------|
| Stone v. The Boston & A. Ry. Co., 171 Mass., 536, 51<br>N. E. 1 ..... | 8    |
| The Milwaukee and St. Paul Ry. Co. v. Kellogg, 94 U. S.<br>256 .....  | 9    |

#### STATUTES AND RULES REFERRED TO.

|   |   |
|---|---|
| Judicial Code, Sec. 240(a) as amended by the Act of<br>February 13, 1925, 43 Stat. 936, 28 U. S. C., Sec.<br>347(a) ..... | 5 |
| United States Supreme Court Rules, Rule 38.....   | 9 |

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JAMES O. HARTMAN, *Petitioner*,

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WILLIE ROSS, *Respondent*.

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**PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
DISTRICT OF COLUMBIA.**

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*To the Honorable Chief Justice and the Associate Justices  
of the Supreme Court of the United States:*

Your petitioner, James O. Hartman, respectfully files and submits this as his petition for a writ of *certiorari* to review a decision and judgment of the United States Court of Appeals for the District of Columbia.

Said Court of Appeals on November 22, 1943, reversed a decision and judgment of the District Court of the United States for the District of Columbia in favor of petitioner and against respondent herein (R. 11). That decision, as yet, is unreported.

**SUMMARY STATEMENT OF MATTER INVOLVED.**

The evidence in this case was presented to the trial court through a stipulation of facts (R. 3). It was conceded

that only one question of law was involved, whether the action of the defendant's servant was negligence proximately causing plaintiff's injuries. In short, the stipulation stated that the defendant's servant drove the defendant's motor vehicle to the entrance of a garage in an alley and left it for the garage attendant to drive it inside for night storage. The ignition was left unlocked, the key in the switch, awaiting the removal of the truck inside the garage by the attendant. This was in breach of a traffic regulation which required motor vehicles to be kept locked. While so parked in the alley, some person, unknown to either of the parties to this suit, drove the truck away. An hour and forty-five minutes later, while being driven carelessly by this unknown person, without the permission or knowledge of the defendant, and not on the defendant's business, the truck collided with the plaintiff to his injury.

After a consideration of the stipulation, the trial court, upon authority of a prior decision of the United States Court of Appeals for the District of Columbia deciding the identical question raised in the instant case, directed a verdict for the defendant. An appeal was taken from the District Court for the District of Columbia to the United States Court of Appeals, where the decision was reversed. (R. 11).

### **QUESTION PRESENTED.**

Was the violation of Section 58 of Traffic and Motor Vehicle Regulations for the District of Columbia by the petitioner the proximate cause of the respondent's injuries?

### **THE REGULATION INVOLVED.**

"Locks on Motor Vehicles. Every motor vehicle shall be equipped with a lock suitable to lock the starting lever, throttle, or switch, or gear shift lever, by which the vehicle is set in motion, and no person shall allow any motor vehicle operated by him to stand or remain unattended on any street or in any public place without first having locked the lever, throttle, or switch by which said motor vehicle may be set in motion."

Traffic and Motor Vehicle Regulations for the District of Columbia, Section 58.

### REASONS RELIED ON FOR ALLOWANCE OF WRIT.

In deciding this case the Court of Appeals has pronounced a principle of law to be universally applied which is unsound and in conflict with prior decisions of its own and those of other courts. It has abolished the distinctions between "conditions", "remote" and "proximate causes", and has established a unique concept of legal causation, destructive of what was heretofore considered fundamental in the law of torts.

This Court should consider the doctrine adopted by the Court of Appeals in order to reaffirm or reject the previously established principles of legal causation and thereby dispel confusion which will otherwise arise.

### PRAYER.

Wherefore, your petitioner respectfully prays that a writ of *certiorari* may be issued out of and under the seal of this Court directed to the United States Court of Appeals for the District of Columbia, commanding the said court to certify and send to this Court a full and complete transcript of the record and all proceedings in said United States Court of Appeals in said case therein entitled, namely, *Willie Ross, Appellant v. James O. Hartman, Appellee*, No. 8413, to the end that said case may be reviewed and determined by this Court and that the judgment of the United States Court of Appeals for the District of Columbia may then be reversed.

JAMES O. HARTMAN,  
*Petitioner,*

By FRANK J. HOGAN,  
EDMUND L. JONES,  
*Counsel for Petitioner.*

HOWARD BOYD,  
*Of Counsel.*